Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Filing at a Glance

Companies: The Employers' Fire Insurance Company, OneBeacon America Insurance Company Product Name: @vantage For Tech E&O Basic SERFF Tr Num: BEAC-125735398 State: Arkansas

TOI: 17.0 Other Liability-Occ/Claims Made SERFF Status: Closed State Tr Num: EFT \$100

Sub-TOI: 17.0000 Other Liability Sub-TOI Co Tr Num: 2008-PL-AR-RR-553 State Status: Fees verified and

Combinations received

Filing Type: Rate/Rule Co Status: Reviewer(s): Betty Montesi, Edith

Roberts

Author: Sharon Kennedy Disposition Date: 12/12/2008

Date Submitted: 07/16/2008 Disposition Status: Approved

State Filing Description:

General Information

Project Name: @vantage For Tech E&O Basic Status of Filing in Domicile:

Project Number: 2008-PL-AR-RR-553 Domicile Status Comments:

Reference Organization: Reference Number:
Reference Title: Advisory Org. Circular:

Filing Status Changed: 12/12/2008

State Status Changed: 07/17/2008 Deemer Date:

Corresponding Filing Tracking Number: 2008-PL-AR-FO-553

Filing Description:

We are submitting the enclosed rules in support of changes being made to our Technology E&O Professional Liability coverage in our @vantage Product. Please see the attached Explanatory Memorandum for further details. We intend to make this coverage available for policies issued on or after August 20, 2008.

Company and Contact

Filing Contact Information

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Sharon Kennedy, Compliance Analyst skennedy@onebeacon.com
One Beacon Lane (781) 332-8190 [Phone]
Canton, MA 02021-1030 (888) 209-7219[FAX]

Filing Company Information

The Employers' Fire Insurance Company CoCode: 20648 State of Domicile: Massachusetts

One Beacon Lane Group Code: 1129 Company Type:
Canton, MA 02021-1030 Group Name: State ID Number:

(781) 332-7000 ext. [Phone] FEIN Number: 04-1288420

OneBeacon America Insurance Company CoCode: 20621 State of Domicile: Massachusetts

One Beacon Lane Group Code: 1129 Company Type: Canton, MA 02021-1030 Group Name: State ID Number:

(781) 332-7000 ext. [Phone] FEIN Number: 04-2475442

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Filing Fees

Fee Required? Yes

Fee Amount: \$100.00

Retaliatory? No

Fee Explanation: AR Rate filing fees = \$100.00 per filing, per line of business.

1 Filing x 1 line of business x 100.00 = 100.00 total filing fees.

Per Company: No

COMPANY AMOUNT DATE PROCESSED TRANSACTION #

The Employers' Fire Insurance Company \$100.00 07/16/2008 21437735

OneBeacon America Insurance Company \$0.00 07/16/2008

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Correspondence Summary

Dispositions

Status Created By Created On Date Submitted

Approved Edith Roberts 12/12/2008 12/12/2008

Objection Letters and Response Letters

Objection Letters Response Letters

Status Created By Created On Date Submitted Responded By Created On Date Submitted

Pending Edith Roberts 07/17/2008 07/17/2008 Sharon Kennedy 11/17/2008 11/17/2008

Industry Response

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Disposition

Disposition Date: 12/12/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

Overall Rate Information for Multiple Company Filings

Overall Percentage Rate Indicated For This Filing0.000%Overall Percentage Rate Impact For This Filing0.000%Effect of Rate Filing-Written Premium Change For This Program\$0Effect of Rate Filing - Number of Policyholders Affected0

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Item Type	Item Name	Item Status	Public Access
Supporting Document	Explanatory Memorandum	Approved	Yes
Rate	Rule 201 Technology Errors Or Omissions Coverage	Approved	Yes
Rate	Rule 205 Security Breach and Unauthorized Access Endorsements	Approved	Yes
Rate	Rule 207 Other Optional Endorsements	Approved	Yes
Rate	Rule 201 Technology Errors Or Omissions Coverage	Approved	Yes
Rate	Rule 201. Technology Errors or Omissions Coverage	Approved	Yes

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Objection Letter

Objection Letter Status Pending Industry Response

Objection Letter Date 07/17/2008 Submitted Date 07/17/2008

Respond By Date
Dear Sharon Kennedy,

This will acknowledge receipt of the captioned filing.

Please refer to Rule 201, B. It states that "It (extended reporting period) will not be available to risks cancelled for non-payment of premium.

Arkansas does not allow that the insurer withhold either the basic or optional extended reporting periods for cancellation/termination due to non-payment of premium, or if deductibles, retentions or excess payments over the limit of liability reimbursements are owed. Also, if payment is received to purchase the optional extended reporting period, that payment must be applied to place the optional extended reporting period coverage into effect, rather than first applied to any monies owed on the terminating policy. Please refer to AR Code Anno. 23-79-306 91-6)

Please feel free to contact me if you have questions.

Sincerely,

Edith Roberts

Response Letter

Response Letter Status Submitted to State

Response Letter Date 11/17/2008 Submitted Date 11/17/2008

Dear Edith Roberts,

Comments:

Response 1

Comments: Dear Ms. Roberts,

Attached please find Arkansas state exception to Rule 201 (@V4PL201AR 05 08) which removes the last sentence in

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

the first paragraph of section B. stating that "It will not be available to risks canceled for non-payment of premium."

A copy of the state exception page is attached.

Please let me know if you have any additional concerns.

Sincerely,

Sharon Kennedy

Changed Items:

No Supporting Documents changed.

No Form Schedule items changed.

Rate/Rule Schedule Item Changes

Exhibit Name Rule # or Page # Rate Action Previous State Filing #

Rule 201. Technology Errors @V4PL201AR 05 08 Replacement

or Omissions Coverage

Sincerely,

Sharon Kennedy

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Rate Information

Rate data does NOT apply to filing.

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Rate/Rule Schedule

Review Status	: Exhibit Name:	Rule # or Page #:	Rate Action	Previous State Filing Number:	Attachments
Approved	Rule 201 Technology Errors Or Omissions Coverage	@V4PL201CW 05 08	Replacement		@V4PL201CW 05 08.pdf
Approved	Rule 205 Security Breach and Unauthorized Access Endorsements	@V4PL205CW 05 08	Replacement		@V4PL205CW 05 08.pdf
Approved	Rule 207 Other Optional Endorsements	@V4PL207CW 05 08	Replacement		@V4PL207CW 05 08.pdf
Approved	Rule 201 Technology Errors Or Omissions Coverage	@V4PL201AR 05 08	Replacement		@V4PL201AR 05 08.pdf
Approved	Rule 201. Technology Errors or Omissions Coverage	@V4PL201AR 05 08	Replacement		@V4PL201AR 05 08 rev 01.pdf

RULE 201 TECHNOLOGY ERRORS OR OMISSIONS COVERAGE

A. Description of Coverage

1. Two coverage forms are available for Technology Errors or Omissions coverage.

APR 001 Technology Errors Or Omissions Coverage Form
APR 011 Technology Errors Or Omissions Coverage Form (Basic Form)

Both forms provide coverage on a claims-made basis for sums the insured becomes legally obligated to pay arising out of any act of negligence or error or omission by or on behalf of the insured resulting in the failure of the insured's electronic products to perform the function or serve the purpose intended.

The Technology Errors Or Omissions Coverage Form APR 001 offers the broadest coverage. The basic form APR 011 offers limited coverage at a greatly reduced premium and may be appropriate for insureds who do not need or desire the full coverage.

- 2. For details of coverage:
 - a. Refer to Coverage Forms
 - (1) Technology Errors Or Omissions Coverage Form APR 001
 - (2) Technology Errors Or Omissions Basic Coverage Form APR 011
 - **b.** Refer to Mandatory Multistate Endorsement

Broad Form Nuclear Exclusion Endorsement IL 00 21

- **c.** Refer to Mandatory State Endorsements in the state exceptions.
- 3. The appropriate:
 - a. Coverage Form
 - b. Mandatory state endorsements
 - c. Other applicable endorsements
 - d. The Declarations; and
 - e. The Common Policy Conditions VIL 001

make up the Coverage Part.

B. Extended Reporting Periods

A basic Extended Reporting Period of 60 days beginning at the end of the policy period is provided automatically. Supplemental Extended Reporting Periods of either 60 months or unlimited duration are available by endorsement for an additional premium. The premium for the Supplemental Extended Reporting Period is a one time charge of 50% to 200% of the final year total annual premium, depending upon the exposure. It will not be available to risks canceled for non-payment of premium.

Attach Supplemental Extended Reporting Period endorsement **APR 206** and Important Notice to Policyholders Supplemental Extended Reporting Period Option **APR 207**.

C. Classification and Code Number

Classification	Code
Processing Control Equipment	78590
Process Monitoring Equipment	78591
General Purpose Computers	78592
Special Purpose Computers	78593
Medical Equipment	78594
Measuring or Test Equipment	78595
Environmental or Pollution Control Equipment	78596
Retail/Wholesale Electronics - N.O.C.	78597
Electronics - N.O.C.	78598
Services - N.O.C	78600
Software - N.O.C.	78601

D. Basic Limits Mature Claims Made Rates

1. Technology Errors Or Omissions Coverage Form APR 001 - Mature Claims Made rates assume the insured has had Claims Made insurance for at least 4 consecutive years. Rates are applied separately to sales included in the groupings shown in Table D.1. Premium Base is total sales. Rates apply per \$1,000 of sales. Premiums are determined by totaling the amounts for each applicable group. Select a rate from the range shown for the applicable classification. Rates chosen from the following ranges are not subject to Package Modifications, IRPM or Experience & Schedule Rating Plans.

Technology E&O Rate Table (Coverage Form APR 001)

(Per \$1,000 of Sales)

Classification

Sales	78590	78591	78592	78593	78594	78595	78596	78597	78598. 78600, 78601
1 st	.85 -	.143-	.077-	.143-	.110-	.143-	.42-	.039-	.077-
\$10,000,000	7.70	2.37	2.37	2.37	1.99	6.33	7.70	3.85	7.70
Next	.78 -	.134-	.073-	.134-	.103-	.134-	.39-	.037-	.073-
15,000,000	7.21	2.22	2.22	2.22	1.86	5.92	7.21	3.61	7.21
Next	.71 -	.124-	.067-	.124-	.095-	.124-	.36-	.034-	.067-
25,000,000	6.65	2.05	2.05	2.05	1.71	5.46	6.65	3.33	6.65
Next	.67 -	.117-	.063-	.117-	.090-	.117-	.34-	.032-	.063-
50,000,000	6.30	1.94	1.94	1.94	1.63	5.17	6.30	3.15	6.30
Next	.64 -	.111-	.060-	.111-	.085-	.111-	.32-	.030-	.060-
150,000,000	5.95	1.84	1.84	1.84	1.53	4.88	5.95	2.98	5.95
Next	.55 -	.098-	.053-	.098-	.075-	.098-	.28-	.027-	.053-
250,000,000	5.25	1.62	1.62	1.62	1.35	4.31	5.25	2.63	5.25

Table D.1.

2. **Technology Errors Or Omissions Basic Coverage Form APR 011** – Follow the procedure in **D.1.** and apply a factor of .50 to the rate selected in **Table D.1.**.

E. Rate Adjustment For Less Than 4 Years Of Claims Made Insurance

The Mature Claims Made rates determined in **D.** must be adjusted to reflect the number of years of Claims Made insurance. Mature Claims Made rates assume a Retroactive Date coincident with the effective date of the insured's first claims-made coverage in an uninterrupted Claims Made program of at least 4 years duration. If the Retroactive Date is advanced, the new Retroactive Date should be considered as the insured's entry into Claims Made for the purpose of determining the appropriate year in Claims Made. Apply the rating factor indicated below for insureds with less than 4 years of Claims Made coverage. All factors are multiplicative.

Year in Program	Factor
1	.82
2	.91
3	.96
4	.98
Mature	1.00

F. Increased Limits Factors

The Basic Limit of Insurance for this coverage is \$25,000 Per Claim with an Annual Aggregate Limit of \$25,000. Higher Limits are available. Determine the premium by multiplying the Basic Limits premium by the Factor shown in the following table:

Technology E&O Increased Limits Factors

	Per Claim Limit				
	25,000	100,000	300,000	500,000	1,000,000
Annual Aggregate Limit					
25,000	1.00				
100,000	1.20	1.30			
300,000	1.30	1.35	1.40		
500,000	1.35	1.40	1.45	1.50	
1,000,000	1.40	1.50	1.60	1.65	1.70
2,000,000	1.50	1.60	1.70	1.75	1.80
Interpolation/extrapolation from above factors is allowed for limits not shown.					

For higher limits, refer to company.

G. Deductibles

The base deductible is \$10,000. The following deductible options are available. Apply the rating factors indicated below. All factors are multiplicative.

Technology E&O Deductible Factors

Deductible	Factor
\$ 1,000	1.38
\$ 2,500	1.30
\$ 5,000	1.15
\$ 25,000	.83
\$ 50,000	.77
\$ 100,000	.72

H. Minimum Premium

The minimum premium is \$1,000. It is not subject to increase for increased limits.

RULE 205 SECURITY BREACH AND UNAUTHORIZED ACCESS ENDORSEMENTS

- A. Security Breach Endorsement APR 202 is an optional endorsement applicable to the Manufacturers Errors or Omissions Coverage Form. This endorsement provides coverage for failure of security systems to prevent access to the internet or electronic systems. The premium charge is 5% of the Manufacturers Errors & Omissions premium, subject to a \$500 minimum premium.
- **B.** Unauthorized Access endorsement **APR 218** is an optional endorsement applicable only to the Technology Errors or Omissions Coverage Form APR 001. This endorsement provides coverage for failure of security systems to prevent access to the internet or electronic systems. However, the endorsement does not apply to loss resulting from the failure of the insureds technology offerings to function or serve the purpose intended. The premium charge is 5% of the Technology Errors & Omissions premium, subject to a \$500 minimum premium.

RULE 207. OTHER OPTIONAL ENDORSEMENTS

The following optional endorsements are available. These endorsements are typically used for:

- Deleting coverage for exposures not contemplated in the base rates.
- Deleting coverage for exposures not included in the premium basis.
- Adding coverage for exposures contemplated in the base rates for a particular class.
- Adding additional interests for covered exposures.
- Clarifying coverage.
- Amending conditions.

Endorsements belonging to the above categories do not require any further premium adjustment.

Endorsements

COMMERCIAL LINES MANUAL @vantage For POLICIES DIVISION SEVEN - PROFESSIONAL LIABILITY STATE EXCEPTION PAGES

RULE 201 TECHNOLOGY ERRORS OR OMISSIONS COVERAGE

Paragraph A. 2.c. is replaced by the following:

- **c.** Mandatory State Endorsements:
 - (1) Arkansas Changes Transfer Of Rights Of Recovery Against Others To Us Endorsement IL 01 99
 - (2) Arkansas Changes Cancellation And Nonrenewal Endorsement VIL 627AR
 - (3) Arkansas Changes Endorsement APR 704 AR

COMMERCIAL LINES MANUAL @vantage For POLICIES DIVISION SEVEN - PROFESSIONAL LIABILITY STATE EXCEPTION PAGES

RULE 201 TECHNOLOGY ERRORS OR OMISSIONS COVERAGE

Paragraph A. 2.c. is replaced by the following:

- c. Mandatory State Endorsements and Forms:
 - (1) Arkansas Changes Transfer Of Rights Of Recovery Against Others To Us Endorsement IL 01 99
 - (2) Arkansas Changes Cancellation And Nonrenewal Endorsement VIL 627AR
 - (3) Arkansas Changes Endorsement APR 704 AR
 - **(4)** Arkansas Consent Form Acknowledgment Of Defense Within Limits **VIL 117** must be signed by the insured and made part of the policy.

Paragraph **B.** is replaced by the following:

B. Extended Reporting Periods

A basic Extended Reporting Period of 60 days beginning at the end of the policy period is provided automatically. Supplemental Extended Reporting Periods of either 60 months or unlimited duration are available by endorsement for an additional premium. The premium for the Supplemental Extended Reporting Period is a one time charge of 50% to 200% of the final year total annual premium, depending upon the exposure.

Attach Supplemental Extended Reporting Period endorsement **APR 206** and Important Notice to Policyholders Supplemental Extended Reporting Period Option **APR 207**.

Paragraph **F.** is replaced by the following:

F. Increased Limits Factors

Pursuant to Arkansas Insurance Code Anno 23-79-307 (5) and AID Order # 2007-033, the minimum Limit of Insurance available for this coverage is \$1,000,000 Per Claim with an Annual Aggregate Limit of \$1,000,000. Higher Limits are available. Determine the premium by multiplying the Basic Limits premium by the Factor shown in the following table:

Technology E&O Increased Limits Factors

Annual Aggregate Limit	Per Claim Limit
	\$1,000,000
1,000,000	1.70
2,000,000	1.80

For higher limits, refer to company.

Company Tracking Number: 2008-PL-AR-RR-553

TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0000 Other Liability Sub-TOI Combinations

Product Name: @vantage For Tech E&O Basic

Project Name/Number: @vantage For Tech E&O Basic /2008-PL-AR-RR-553

Supporting Document Schedules

Review Status:

Satisfied -Name: Explanatory Memorandum Approved 12/12/2008

Comments: Attachment:

Rules Explanatory Memorandum.pdf

State of Arkansas Explanatory Memorandum - Rules Technology Errors or Omissions Coverage @vantage Program

RULES

We are revising the following manual rules in support of changes being made to our Technology E&O professional liability forms in our @vantage Product.

Countrywide Rules

Rule 201 – countrywide page **@V4PL201CW 05 08** – In this filing we are revising the countrywide manual rule in support of our new Technology Errors or Omissions Basic Coverage Form APR 011 05 08 and other formatting changes in Paragraph A. Description of Coverage. Paragraph D.2. adds the rating credit factor that applies to this new coverage form option.

Rate Impact

We estimate that the charge for the Basic Coverage Form amounts to a 50% reduction of the premium calculated for the current level of coverage under the Broad Form. The proposed rates are our best evaluation of the Technology E&O competitive rate climate for these coverage forms. We will monitor our book's performance as we develop our own experience to ensure that our products remain competitive and profitable.

Rule 205 – Security Breach And Unauthorized Access Endorsements page @V4PL205CW 05 08 – This rule is revised to clarify that Unauthorized Access Endorsement APR 218 only applies to Technology Errors or Omissions Coverage Form APR 001.

Rule 207 – Other Optional Endorsements page @V4PL207CW 05 08 – This rule is revised to indicate that the Technology Errors or Omissions optional endorsements only apply to Coverage Form APR 001. The page is also reformatted to specifically indicate the Coverage Form(s) that apply to each optional endorsement included in the Rule.

State Exception Pages

In addition to the rule changes in the countrywide rules, the following rule changes apply specifically to the state exception pages.

Rule 201 – Technology Errors Or Omissions Liability state exception page @V4PL201AR 05 08 The state exception page adds reference to State of Arkansas mandatory forms and other state exceptions as may be applicable.